

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**PAUL REHBERGER, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

HONEYWELL INTERNATIONAL INC.,

Defendant.

Case No. 3:11-0085

**Judge Kevin H. Sharp
Magistrate Judge John Bryant**

Jury Trial Demanded

AGREED ORDER RESETTING DEADLINES

Pursuant to the Court's suggestion during the June 24, 2011 telephonic case management conference, the parties have agreed to the following new deadlines in this matter.

1. DISCOVERY SCHEDULE

Discovery in this matter should be staged such that discovery as to Plaintiffs' individual claims proceeds, with discovery regarding any class claims only proceeding if Plaintiffs' individual claims survive any dispositive motions based upon the individual discovery. The following schedule is in effect for discovery and deadlines related to Plaintiffs' individual claims:

(a) The parties shall complete all written discovery and depose all fact witnesses on or before November 14, 2011. Discovery is not stayed during dispositive motions, unless ordered by the Court.

(b) The Plaintiffs shall disclose any experts and provide expert reports by December 12, 2011. The Defendant shall disclose any experts and provide expert reports by January 11, 2012. Rebuttal experts shall not be permitted except with prior Court approval.

Expert depositions shall be completed by February 13, 2012, with Plaintiffs' experts being deposed first.

(c) Local Rule 9(a)(2) is expanded to allow 40 interrogatories, including subparts. No motions concerning discovery are to be filed until after the parties have conferred in good faith and, unable to resolve their differences, have scheduled and participated in a conference telephone call with Judge Sharp or Magistrate Judge Bryant.

(d) Motions to Amend: Plaintiffs must Amend their Complaint on or before September 26, 2011. The Defendant shall file all Motions to Amend its Answer on or before October 31, 2011.

(e) The parties shall coordinate discovery between the *Rehberger* and *Bearden* Actions and all discovery provided in one action is presumed to apply to the other action, subject to the Court's ruling to the contrary.

2. JOINT MEDIATION REPORT:

The parties agree that this matter should be mediated at the same time as *Rehberger*. Under the extended deadline, the parties must file a joint report indicating whether they believe mediation of this matter would be helpful on or before November 28, 2011.

3. DISPOSITIVE MOTIONS:

The parties shall file all dispositive motions regarding Plaintiffs' individual claims on or before March 12, 2012. Responses to dispositive motions shall be filed within thirty (30) days after the filing of the motion, except that responses to dispositive motions filed on March 12, 2012 shall be filed by April 23, 2012. Optional replies may be filed within ten (10) days of the response. Briefs shall not exceed twenty-five (25) pages without Court approval. No motion for partial summary judgment shall be filed except upon leave of court. Any party wishing to file

such a motion shall first file a separate motion that gives the justification for filing a partial summary judgment motion in terms of overall economy of time and expense for the parties, counsel and the court.

4. **ELECTRONIC DISCOVERY:** The parties have conferred and the default standard contained in Administrative Order 174 will apply.

5. **TRIAL:**

If Plaintiffs' individual claims survive following completion of discovery and any dispositive motions, a new schedule for discovery related to class claims and for class certification shall be set. A trial date will not be set at this time.

IT IS SO ORDERED.

This the 8th day of August, 2011.

s/ John S. Bryant

JOHN S. BRYANT

United States Magistrate Judge

APPROVED FOR ENTRY:

Dated: August 2, 2011.

/s/J. Gerard Stranch, IV (by JHZ w/ permission)

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